

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

VICTOR MARTINEZ,

Petitioner,

V.

UNITED STATES OF AMERICA,

### Respondent.

CASE NO. 2:24-cv-01269-MJP  
[related to 2:10-cr-00378-MJP-3]

ORDER FOR SERVICE AND  
ANSWER, § 2255 MOTION

This matter comes before the Court on Petitioner's motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence (Dkt. No. 1). The Court, having reviewed petitioner's motion, does hereby ORDER that:

**(1) If not previously accomplished, electronic posting of this order and petition shall effect service upon the United States Attorney of copies of the 2255 motion and of all documents in support thereof.**

(2) Within **thirty (30) days** after such service, the United States shall file and serve an Answer in accordance with Rule 5 of the Rules Governing Section 2255 Cases in United States

1 District Courts. As part of such Answer, the United States should state its position as to whether  
2 an evidentiary hearing is necessary, whether there is any issue as to abuse or delay under Rule 9,  
3 and whether petitioner's motion is barred by the statute of limitations.

4 **(3) On the face of the Answer, the United States shall note the Answer for**  
5 **consideration by 28 days after it is filed, and the Clerk shall note the Answer accordingly.**  
6 **Petitioner may file and serve a response not later than 21 days after the filing date of the**  
7 **Answer. The United States may file and serve a reply brief no later the date on which the**  
8 **Answer is noted for consideration.**

9 (4) Filing and Service by Parties Generally

10 All attorneys admitted to practice before this Court are required to file documents  
11 electronically via the Court's CM/ECF system. Counsel are directed to the Court's website,  
12 <http://www.wawd.uscourts.gov>, for a detailed description of the requirements for filing via  
13 CM/ECF. All non-attorneys, such as pro se parties and/or prisoners, may continue to file a paper  
14 original of any document for the Court's consideration. A party filing a paper original does not  
15 need to file a chambers copy. All filings, whether filed electronically or in traditional paper  
16 format, must indicate in the upper right hand corner the name of the Judge to whom the  
17 document is directed.

18 **For any party filing electronically, when the total of all pages of a filing exceeds fifty**  
19 **(50) pages in length, a paper copy of the document (with tabs or other organizing aids as**  
20 **necessary) shall be delivered to the Clerk's Office for chambers. The chambers copy must**  
21 **be clearly marked with the words "Courtesy Copy of Electronic Filing for Chambers."**

**Additionally, any document filed with the Court must be accompanied by proof that it has been served upon all parties that have entered a notice of appearance in the underlying matter.**

Dated November 1, 2024.

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Marsha J. Pechman  
United States Senior District Judge